



0000003124

ORIGINAL

RECEIVED

Arizona Corporation Commission

DOCKETED

SEP 22 2003

2003 SEP 22 P 4:19

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

CAR

FENNEMORE CRAIG  
A Professional Corporation  
Jay L. Shapiro  
Patrick Black  
3003 North Central Avenue  
Suite 2600  
Phoenix, Arizona 85012  
Telephone (602) 916-5000

Attorneys for Santa Cruz Water Company and Palo Verde Utilities Company

### BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION  
OF PALO VERDE UTILITIES COMPANY  
FOR AN EXTENSION OF ITS EXISTING  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. SW-03575A-03-0586

IN THE MATTER OF THE APPLICATION  
OF SANTA CRUZ WATER COMPANY,  
FOR AN EXTENSION OF ITS EXISTING  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-03576A-03-0586

### NOTICE OF DELETION OF CERTAIN PROPERTIES FROM APPLICANTS' EXTENSION REQUEST AND REVISION TO LEGAL DESCRIPTIONS

Santa Cruz Water Company, L.L.C. and Palo Verde Utilities Company, L.L.C. (collectively "Applicants") hereby submit this Notice of Deletion of Certain Properties from Applicants' Extension Request and Revision to Legal Descriptions in the above-referenced matter. On August 18, 2003, Applicants filed an application ("Application") requesting an extension of their respective certificates of convenience and necessity for water and wastewater service in Pinal County, Arizona. Attached to the original Application as Exhibit 1 were legal descriptions for the properties to be included in the extension request. These legal descriptions, divided into six (6) distinct areas, contained typographical errors.

Since that time, Applicants have received notice from three developers withdrawing their original requests for service, which are attached hereto as Exhibit A. These entities are Desert Cedars Equities LLC, HAM Maricopa LLC and Land Solutions Maricopa LLC. By this filing,

1 Applicants seek to delete these three properties from the Application, as well as to correct the  
2 typographical errors contained in the remaining legal descriptions subject to the extension  
3 request. Attached hereto as Exhibit B is a revised Exhibit 1 to the original Application, which  
4 deletes Areas 1, 2 and 4 based on the revocations contained in Exhibit A, as well as corrects any  
5 typographical errors contained in the original Exhibit 1 legal descriptions for Areas 3, 5 and 6.

6 DATED this 22<sup>nd</sup> day of September, 2003.

7 FENNEMORE CRAIG, P.C.

8  
9 By: 

10 Jay L. Shapiro

11 Patrick Black

12 Attorney for Palo Verde Utilities Company and  
13 Santa Cruz Water Company

14 ORIGINAL and 15 copies of the  
15 foregoing delivered this 22<sup>nd</sup>  
16 day of September, 2003, to:

17 Docket Control  
18 Arizona Corporation Commission  
19 1200 West Washington Street  
20 Phoenix, Arizona 85007

21 And a copy hand-delivered this 22<sup>nd</sup>  
22 day of September, 2003 to:

23 Jim Fisher  
24 Executive Consultant  
25 Arizona Corporation Commission  
26 1200 West Washington Street  
Phoenix, Arizona 85007

By: 

1463244.1/83326.001

## **EXHIBIT A**

**DESERT CEDARS EQUITIES, LLC**

5346 East Calle Del Norte  
Phoenix, Arizona 85018  
(602) 840-8611 Telephone  
(419) 844-2688 E-Fax  
(602) 808-9504 Facsimile  
KArizona@cox.net

September 5, 2003

Phoenix Capital Partners LLC  
426 N. 44<sup>th</sup> Street, Suite 200  
Phoenix, AZ 85008  
VIA Fax: 602-914-2101  
Attn: Cindy Liles

*Via Facsimile (602) 914-2101*

Dear Cindy:

At this time, please revoke the request for service in the current SantaCruz/Palo Verde Utility CC&N expansion regarding the following property: **Desert Cedars Equities, LLC.**

Thank you,



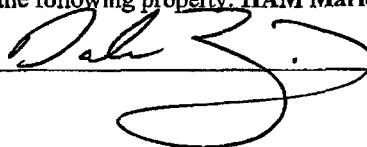
Property Owner: \_\_\_\_\_  
Michael S. Koslow; Managing Member of Desert Cedars LLC,  
Managing Member of Desert Cedars Equities, LLC.

To:

Phoenix Capital Partners LLC  
426 N. 44<sup>th</sup> Street, Suite 200  
Phoenix, AZ 85008  
VIA Fax: 602-914-2101  
Attn: Cindy Liles

At this time, please revoke the request for service in the current SantaCruz/Palo Verde Utility CC&N expansion regarding the following property: **HAM Maricopa LLC**

Property Owner:

 Managing Member

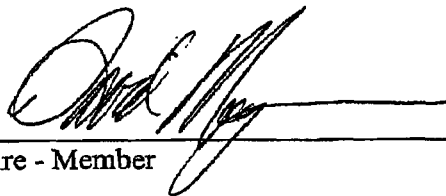
Thank you.

To:

Phoenix Capital Partners LLC  
426 N. 44<sup>th</sup> Street, Suite 200  
Phoenix, AZ 85008  
VIA Fax: 602-914-2101  
Attn: Cindy Liles

At this time, please revoke the request for service in the current SantaCruz/Palo Verde  
Utility CC&N expansion regarding the following property: PALO BREA - LAND  
**SOLUTIONS MARICOPA LLC.**

Property Owner:



9/17/03

David Maguire - Member

Thank you.

## **EXHIBIT B**

**AREA 1 Legal Description**

**[DELETION]**

Parcel No. 1:

Being a portion of the Southeast quarter of section 28, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 28;

thence South 89 degrees 49 minutes 01 seconds West, along the South line of said Southeast quarter 71.15 feet to a point on the West right-of-way line of Maricopa Road (State Route 347) and the POINT OF BEGINNING;

thence continuing South 89 degrees 49 minutes 01 seconds West, along said South line 2344.68 feet to a point that bears North 89 degrees 49 minutes 01 seconds East 223.83 feet from the South quarter corner of said Section 28;

thence North 01 degrees 58 minutes 01 seconds East 2708.11 feet to a point on the North line of said Southeast quarter which bears North 89 degrees 48 minutes 29 seconds East 321.44 feet from the center of said Section 28;

thence North 89 degrees 48 minutes 29 seconds East, along said North line 1513.59 feet;

thence South 00 degrees 45 minutes 29 seconds East 15.00 feet;

thence North 89 degrees 48 minutes 29 seconds East, parallel with the North line of said Southeast quarter 445.60 feet a point on the Westerly right-of-way line of Maricopa Road (State Route 347), said point being a non-tangent curve the center point of which bears North 79 degrees 56 minutes 02 seconds East 1482.39 feet distant therefrom;

thence Southerly along said right-of-way the following courses and distances;

thence along the arc of said curve through a central angle of 15 degrees 03 minutes 22 seconds an arc distance of 389.54 feet;

thence South 25 degrees 08 minutes 25 seconds East 149.85 feet;

thence South 64 degrees 51 minutes 50 seconds West 25.00 feet to a point marking the beginning of a non-tangent curve the center of which bears South 64 degrees 51 minutes 50 seconds West 1357.39 feet distance therefrom;

thence along the arc of said curve through a central angle of 24 degrees 27 minutes 32 seconds an arc distance of 579.45 feet;



**AREA 1 Legal Description - continued**

thence South 89 degrees 19 minutes 28 seconds West 10.00 feet;

thence South 00 degrees 40 minutes 32 seconds East 1536.11 feet to me POINT OF BEGINNING.

**Parcel No. 2:**

Being a portion Of the Northeast quarter of Section 33, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, being more particularly described as follows;

COMMENCING at the East Quarter corner of said Section 33;

thence South 89 degrees 50 minutes 50 seconds West, along the East-West mid-Section line 50.00 feet to a point on the West right-of-way line of Maricopa Road (State Route 347) and the POINT OF BEGINNING;

thence continuing South 89 degrees 50 minutes 50 seconds West, along said mid-Section line 2567.39 feet to the center of said Section 33;

thence North 00 degrees 09 minutes 21 seconds West, along the North-South mid-Section line of said Section 33 a distance of 2630.21 feet to the North quarter corner of said Section 33;

thence North 89 degrees 49 minutes 01 seconds East, along the East-West mid-Section line of said Section 33 a distance of 2566.51 feet to a point on the West right-of-way line of said Maricopa Road, said point being 71.15 feet from the Northeast corner of said Section 33;

thence along said right-of-way the following courses and distance;

thence South 00 degrees 40 minutes 32 seconds. East 1317.42 feet;

thence South 89 degrees 07 minutes 35 seconds East 8.07 feet to a point that is 50.00 feet West of the East line of the Northeast quarter of said Section 33;

thence South 00 degrees 06 minutes 23 seconds East parallel with the East line of the Northeast quarter of said Section 33 a distance of 1314.05 feet to the POINT OF BEGINNING.

**Parcel No.3:**

Being a portion of the Northeast quarter of Section 28, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, being more particularly described as follows:

**AREA 1 Legal Description - continued**

COMMENCING at the center of said Section 28;

thence North 89 degrees 48 minutes 28 seconds East, along the East-West mid-Section line of said Section 28 a distance of 321.44 feet to the POINT OF BEGINNING;

thence North 01 degrees 58 minutes 01 seconds East 77.45 feet;

thence North 89 degrees 38 minutes 01 seconds East 397.78 feet;

thence North 00 degrees 21 minutes 59 seconds West 360.00 feet;

thence North 89 degrees 38 minutes 01 seconds East 290.00 feet;

thence North 00 degrees 21 minutes 59 seconds West 345.00 feet;

thence North 89 degrees 38 minutes 01 seconds East 310.59 feet;

thence South 00 degrees 09 minutes 24 seconds East 730.62 feet;

thence North 89 degrees 09 minutes 14 seconds East 514.33 feet;

thence South 00 degrees 45 minutes 29 seconds East 60.69 feet to a point on the East-West mid-Section line of said Section 28, said point bears South 89 degrees 48 minutes 28 seconds West 805.14 feet from the East quarter corner of said Section 28;

thence South 89 degrees 48 minutes 28 seconds West along said mid-Section line 1513.59 feet to the POINT OF BEGINNING.

**AREA 2 Legal Description**

**[DELETION]**

Being portions of sections 27 and 28, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 27;

thence North 89 degrees 20 minutes 17 seconds East, along the South line of said Section 27, a distance of 103.36 feet to a point on the Easterly right-of-way line for John Wayne Boulevard and the POINT OF BEGINNING;

thence North 00 degrees 45 minutes 09 seconds West, along said Easterly right-of-way line, a distance of 1538.37 feet to the beginning of a curve concave Southwesterly and having a radius of 1522.39 feet;

thence Northwesterly along said curve through a central angle of 09 degrees 52 minutes 15 seconds an arc length of 262.28 feet:

thence departing non-radial to said curve South 79 degrees 19 minutes 07 seconds West, a distance of 15.00;

thence departing said Easterly right-of-way line, North 00 degrees 11 minutes 41 seconds West, a distance of 767.80 feet;

thence South 89 degrees 43 minutes 52 seconds West a distance of 297.78 feet to a point on a non-tangent curve on the Easterly right-of-way line for John Wayne Boulevard and having a radius point that bears North 77 degrees 02 minutes 25 seconds East, a distance of 1382.39 feet;

thence Northwesterly along said curve through a central angle of 13 degrees 09 minutes 05 seconds an arc length of 317.31 feet;

thence departing non-tangent to said curve, North 00 degrees 12 minutes 08 seconds East, a distance of 5.92 feet;

thence departing said Easterly right-of-way line, South 89 degrees 48 minutes 22 seconds East, a distance of 147.00 feet;

thence North 00 degrees 11 minutes 38 seconds East, a distance of 150.00 feet;

thence North 89 degrees 48 minutes 22 seconds West, a distance of 147.00 feet to a point on the Easterly right-of-way line for John Wayne Boulevard;

thence North 00 degrees 11 minutes 38 seconds East along said curve right-of-way line, a distance of 695.54 feet;

**AREA 2 Legal Description - continued**

thence departing said Easterly right-of-way line, North 89 degrees 43 minutes 44 seconds East, a distance of 140.00 feet;

thence North 00 degrees 11 minutes 38 seconds East, a distance of 150.00 feet;

thence South 89 degrees 29 minutes 46 seconds East, a distance of 210.01 feet;  
thence North 00 degrees 11 minutes 38 seconds East, a distance of 275.04 feet;

thence South 89 degrees 45 minutes 39 seconds East, a distance of 374.83 feet to a point on the Southwesterly right-of-way line for Southern Pacific Railroad;

thence South 53 degrees 53 minutes 36 seconds East, along said Southwesterly right-of-way line, a distance of 1084.13 feet;

thence South 41 degrees 39 minutes 37 seconds East, a distance of 276.79 feet;

thence South 53 degrees 53 minutes 36 seconds East, a distance of 1418.98 feet to the point of intersection of said Southwesterly right-of-way line for Southern Pacific Railroad with the North-South mid-Section line of said Section 27;

thence departing said Southwesterly right-of-way line for Southern Pacific Railroad, South 00 degrees 11 minutes 36 seconds East, along said North-South mid-Section line, a distance of 2439.64 feet to the South quarter corner of said Section 27;

thence South 89 degrees 20 minutes 17 seconds West, along the South line of the Southwest quarter of said Section 27, a distance of 2547.36 feet to the POINT OF BEGINNING.

The above described Parcel contains 9,202,492 square feet or 211.26 acres more or less.

**Note:**

The above legal description does not reflect the results of an actual field survey and was prepared from an ALTA/ACSM land title survey performed by Randy S. Delbridge, R.L.S. 15214, as agent for Superior Surveying Services, Inc., Dated 7/26/02.

**AREA 3 Legal Description**

BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 34 IN TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE NORTH  $89^{\circ} 24' 54''$  EAST, ALONG THE NORTH LINE OF SAID SECTION 34 A DISTANCE OF 2,751.05 FEET, MORE OR LESS, TO THE NORTH QUARTER CORNER OF SAID SECTION 34; THENCE SOUTH  $00^{\circ} 12' 02''$  WEST, ALONG THE NORTH SOUTH MID-SECTION LINE OF SAID SECTION 34 A DISTANCE OF 2,664.95 FEET TO THE CENTER OF SAID SECTION 34; THENCE NORTH  $89^{\circ} 51' 49''$  WEST, ALONG THE EAST WEST MID-SECTION LINE OF SAID SECTION 34 A DISTANCE OF 2,591.70 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SECTION 34; THENCE NORTH  $00^{\circ} 40' 29''$  WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 2,663.95 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE BASIS OF BEARING IS THE MONUMENT LINE OF MARICOPA ROAD, ALSO BEING THE WEST LINE OF THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 3 EAST, USING A BEARING OF NORTH  $00^{\circ} 06' 23''$  WEST.

CONTAINS 159.00 ACRES MORE OR LESS

**AREA 4 Legal Description**

**[DELETION]**

**Parcel No.1:**

The Southwest quarter of section 34, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, and further described as follows:

BEGINNING at the Northwest corner of said Southwest quarter of Section 34;

thence South 89 degrees 51 minutes 47 seconds East along the North line of said Southwest quarter, a distance of 2636.55 feet to the Northeast corner of said Southwest quarter;

thence South 00 degrees 12 minutes 20 seconds West along the East line of said Southwest quarter, a distance of 2631.52 feet to the Southeast corner of said Southwest quarter;

thence North 89 degrees 50 minutes 59 seconds West along the South line of said Southwest quarter, a distance of 2622.83 feet to the Southwest corner of said Southwest quarter;

thence North 00 degrees 05 minutes 36 seconds West along the West line of said Southwest quarter, a distance of 2630.93 feet to the POINT OF BEGINNING;

EXCEPTING THEREFROM the following for roadway purposes:

BEGINNING at the Northwest corner of said Southwest quarter of Section 34;

thence South 89 degrees 51 minutes 47 seconds East along the North line of said Southwest quarter, a distance of 145.00 feet to a point of the Easterly right-of-way line for Maricopa Road (State Route 347);

thence South 00 degrees 05 minutes 36 seconds East along said Easterly right-of-way line, a distance of 2630.97 feet;

thence departing said Easterly right-of-way line North 89 degrees 50 minutes 59 seconds West 145.00 feet to a point on the West line of said Southwest quarter of Section 34;

thence North 00 degrees 05 minutes 36 seconds West along said West line, a distance of 2630.93 feet to the POINT OF BEGINNING.

**AREA 4 Legal Description - continued**

Parcel No.2:

That portion of the Southwest quarter of Section 34, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

COMMENCING at the Southwest corner of said Section 34;

thence South 89 degrees 51 minutes 10 seconds East along the South line of said Section 34; a distance of 145.00 feet to the Easterly right-of-way line for Maricopa Road (State Route 347) as redefined by the acquisition of the Parcel described in Docket 1777, page 757, records of Pinal County, Arizona;

thence North 00 degrees 05 minutes 43 seconds West along said Easterly right-of-way line for Maricopa Road (State Route 347) a distance of 33.00 feet to the Northerly right-of-way line for Farrell Road the POINT OF BEGINNING;

thence North 89 degrees 51 minutes 10 seconds West, a distance of 37.00 feet;

thence North 00 degrees 05 minutes 43 seconds West, a distance of 63.00 feet;

thence South 89 degrees 51 minutes 10 seconds East, a distance of 37.00 feet to a point on said Easterly right-of-way line of Maricopa Road (State Route 347);

thence South 00 degrees 05 minutes 43 seconds East along said Easterly right-of-way line, a distance of 63.00 feet to the POINT OF BEGINNING.

**AREA 5 Legal Description**

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 4 SOUTH, RANGE 3 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, THENCE NORTH  $00^{\circ} 29' 40''$  WEST 5300 FEET, MORE OR LESS, ALONG THE WEST SECTION LINE OF SAID SECTION 35 TO THE NORTHWEST CORNER OF SAID SECTION 35, THENCE NORTH  $89^{\circ} 30' 20''$  EAST 750 FEET, MORE OF LESS, ALONG THE NORTH SECTION LINE OF SAID SECTION 35 TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SOUTHERN RAILROAD, THENCE SOUTH  $53^{\circ} 51' 30''$  EAST 1213 FEET ALONG SAID RIGHT-OF-WAY LINE, THENCE LEAVING SAID RIGHT-OF-WAY LINE, SOUTH  $0^{\circ} 00' 00''$  EAST 4600 FEET, MORE OR LESS, TO THE SOUTH SECTION LINE OF SAID SECTION 35; THENCE NORTH  $89^{\circ} 43' 51''$  WEST 1684 FEET, MORE OR LESS, ALONG SAID SOUTH SECTION LINE TO THE POINT OF BEGINNING (Containing 200 acres more or less).



**AREA 6 Legal Description**

**PARCEL NO. 1:**

The East half of the West half of Section 35, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying South and West of the Southwesterly right of way line of the Southern Pacific Railroad;

EXCEPT any portion lying within the following described property:

COMMENCING at the Southeast corner of said Section 35;

Thence North 89 degrees 19 minutes 10 seconds West, a distance of 1971.27 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89 degrees 19 minutes 10 seconds West, a distance of 765.30 feet;

Thence North 01 degree 19 minutes 10 seconds East, a distance of 1377.37 feet;

Thence South 27 degrees 53 minutes 16 seconds East, a distance of 1568.23 feet to the TRUE POINT OF BEGINNING; and

EXCEPT all oil, gas and mineral rights as reserved in instrument recorded in Docket 15, page 70.

**PARCEL NO. 2:**

The East half of Section 35, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying South and West of the Southwesterly right of way line of the Southern Pacific Railroad;

EXCEPT any portion lying within the following described property:

COMMENCING at the Southeast corner of said Section 35;

Thence North 89 degrees 19 minutes 10 seconds West, a distance of 1971.27 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89 degrees 19 minutes 10 seconds West, a distance of 765.30 feet;

Thence North 01 degree 19 minutes 10 seconds East, a distance of 1377.27 feet;

**AREA 6 Legal Description - continued**

Thence South 27 degrees 53 minutes 16 seconds East, a distance of 1568.23 feet to the TRUE POINT OF BEGINNING; and

EXCEPT any portion lying within the following described property:

COMMENCING at the Southeast corner of said Section 35;

Thence North 01 degree 12 minutes 36 seconds East, a distance of 77.50 feet to the TRUE POINT OF BEGINNING;

Thence South 89 degrees 44 minutes 11 seconds West, a distance of 660.00 feet;

Thence North 01 degree 12 minutes 38 seconds East, a distance of 1320 feet;

Thence North 89 degrees 44 minutes 11 seconds East, a distance of 660.00 feet;

Thence South 01 degree 12 minutes 36 seconds West, a distance of 1320 feet to the TRUE POINT OF BEGINNING; and

EXCEPT one-half of all oil, gas and other minerals as reserved in instrument recorded in Book 85 of Deeds, page 228.

EXCEPT from Parcel Nos. 1 and 2 herein, any portion lying within the following described property, as set forth by instrument recorded in Fee No. 2000-016849:

BEGINNING at the Southwest corner of Section 35, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

Thence North 00 degrees 22 minutes 40 seconds East 5264 feet, more or less, along the West section line of said Section 35 to the Northwest corner of said Section 35;

Thence North 89 degrees 05 minutes 27 seconds East, 824 feet, more or less, along the North section line of said Section 35 to the Southwesterly right of way line of the Southern Pacific Railroad;

Thence South 53 degrees 52 minutes 38 seconds East 1066 feet along said right of way line;

Thence leaving said right of way line, South 00 degrees 00 minutes 00 seconds East 4656 feet, more or less, to the extension of the South section line of Section 35 of said Township and Range;

Thence North 89 degrees 43 minutes 51 seconds West 1702 feet, more or less, along said South section line to the POINT OF BEGINNING.